

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA
3 CIVIL ACTION FILE NO. 2:18-cv-02097-JAD-VCF

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5 ROBERT MILLER, : VIDEOTAPED
6 Plaintiff, : DEPOSITION OF:
7 V. : ROBERT MILLER
8 :
9 4INTERNET, LLC AND :
JOHN DOES 1-10, :
Defendants. :
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13 TRANSCRIPT of testimony as taken by and
14 before PATRICIA A. SANDS, a Shorthand Reporter
15 and Notary Public of the States of New York and
16 New Jersey, via VERITEXT VIRTUAL, and all other
17 parties at the offices of VERITEXT, 7 Times
18 Square, New York, New York, on Monday,
19 September 13, 2021, commencing at 10:05 in the
20 forenoon.

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24 Job No. ATL 4790873
25

1 what that was.

2 I think you said earlier that you didn't
3 know the number of claims that have been
4 presented on your behalf; is that correct?

5 A By whom are you referring to?

6 Q By -- well, I'm not limiting it, so
7 let me just ask it more broadly. It was in the
8 context of when I was asking you how many
9 lawsuits you have been a party to.

10 Do you know how many claims for
11 infringement have been presented on your behalf
12 since, let's say 2017?

13 MR. CARREON: Objection, vague.

14 THE WITNESS: I can say that I'm a
15 working photographer in New York, I work
16 an average of five days a week covering
17 many assignments in New York City. And a
18 lot of the stories that happen in New York
19 City, you know, ripple across the country
20 and the world. So there is a lot of
21 attention to the photos that are published
22 in the New York Post. I don't have a
23 number off the top of my head of the
24 amount of infringements.

25 Q I'm not asking you about the amounts

1 of infringements, I'm asking you about the
2 number of claims that have been made on your
3 behalf.

4 A Yeah, well, I would -- I would
5 reference that to the amount of claims on my
6 behalf.

7 Q Okay. Do you have -- so without -- I
8 understand you don't know the number, but do
9 you know if it's in the 100s, 1,000s or
10 10,000s?

11 A I don't believe it's in a very high
12 number, like 10,000 or 1,000, you know.

13 Q Who would know that information?

14 A Oh, Higbee would know that.

15 Q Would --

16 A The Higbee law firm. Let me phrase
17 that the Higbee law firm keeps records of what
18 they do, so they would know that. And Richard
19 Leibowitz's law firm would have records of
20 that.

21 Q And since Mr. Leibowitz has been
22 disbarred from the federal court here in New
23 York, have you been using any other firm?

24 A Any other firm besides Richard
25 Leibowitz?

1 MR. CARREON: Objection, vague.

2 THE WITNESS: Yeah, that's vague. I
3 don't understand the question.

4 Q For the pictures that were taken
5 outside, anybody could have taken a photograph
6 if they were standing next to you and recorded
7 the same event; correct?

8 A In a public place people are allowed
9 to take photographs.

10 MR. CARREON: Would now be a good
11 time to take a break, counsel?

12 MR. ISENBERG: Sure.

13 THE VIDEOGRAPHER: The time on the
14 video monitor is 2:35 p.m. We are off the
15 record.

16 (Recess.)

17 THE VIDEOGRAPHER: We are back on the
18 record, the time is 2:49 p.m.

19 Q All right, Mr. Miller, do you see the
20 document that is Miller 00008? Let me turn the
21 sharing back on, I apologize.

22 Do you see the Miller 0008?

23 A Yes, I see that.

24 Q And this is a letter of
25 representation and power of attorney.

1 Do you see that?

2 A I do.

3 MR. ISENBERG: Yeah, we'll mark this
4 as 20, and I'll designate it as
5 confidential.

6 (Exhibit 20 marked for
7 identification/referenced.)

8 Q All right, so this says:

9 "To whom it may concern: Please be
10 advised that the law firm of Higbee &
11 Associates has been retained by Robert Miller
12 regarding a copyright infringement matter. As
13 such, we have been appointed as attorney in
14 fact, with full power and authority in
15 determining the validity of the above matter
16 and assist in any negotiation, settlement and
17 payment. We are further authorized to pursue
18 any legal remedies available to our client as a
19 result of this matter. Agent of Higbee &
20 Associates is hereby authorized to discuss any
21 effort to settle and resolve the above matter."

22 Do you see that?

23 A I see that.

24 Q Does the Higbee & Associates firm
25 settle cases without your knowledge?